

**Remarks**

Applicants respectfully request reconsideration of this application. Claims 1-3, 8, 12, 16, and 20 have been amended. No claims have been added or canceled. Therefore, claims 1-20 are presented for examination.

**Claim Rejections**

The Examiner has rejected claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by Killian (U.S. Patent No. 6,438,592). Applicants respectfully traverse the rejection as applied to the current claims.

Claim 1, as amended, recites “generating an interaction profile based on said monitored user interaction, said generating including assigning a user patience level for the particular user.” The Office Action of October 4<sup>th</sup>, 2003 (“Office Action”) stated that Killian discloses assigning a user patience level by maintaining an unloadTime distribution (see p. 5). Applicants respectfully disagree.

Killian teaches a web system in which client computers send performance messages to a server indicating the time required for the client computers to perform certain acts associated with transmitted data (see Abstract, lines 6-7). For example, a client computer may monitor the time to load a page, the time to load a component (such as an image or frame), and whether a user of the client computer elects to leave a page before it is completely downloaded (PageUnload) (see col. 9, lines 14-23). When the server detects a problem with the server itself, or with an individual client, it automatically starts sending out lighter versions of the web pages, e.g., web pages with smaller or fewer images (see col. 4, lines 21-27).

If a client computer sends the server a performance message that indicates a PageUnload, the server maintains this as part of an unloadTimeDistribution for the

page which was unloaded (see col. 23, lines 44-48). The unloadTimeDistribution is an aggregate distribution of PageUnloads for all clients (lines 44-46). Although the distribution may provide an indication on how patient all users are for downloading that particular page, a user patience level is not assigned for a particular user. Additionally, a user patience level for a particular user cannot be derived from the aggregate PageUnload distribution maintained by the server of Killian.

As Killian fails to disclose all of the limitations of claim 1, Applicants respectfully submit that claim 1 is allowable. Claims 8 and 16 contain recitations similar to that discussed above with reference to claim 1. Therefore, Applicants respectfully submit that these claims are also allowable for at least the reasons discussed above. The remaining claims depend directly or indirectly on one of claims 1, 8, or 16 and are accordingly believed to be allowable for at least the same reasons.

### **Conclusion**

Applicants respectfully submit that the rejections have been overcome by the remarks, and that the claims are in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 291-3214 if there remains any issue with allowance of the case.

Respectfully submitted,  
DAHL & OSTERLOTH LLP



Melissa A. Haapala  
Reg. No. 47,622  
555 Seventeenth Street, Suite 3405  
Denver, CO 80202-3937  
(303) 291-3214

Date: 01-05-2004